

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ROBERT JAMES WALKER, JR. §
VS. § CIVIL ACTION NO. 1:21-CV-90
FNU SHIELDS, *et al.*, §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Robert James Walker, Jr., a pretrial detainee at the Jefferson County Correctional Facility, proceeding *pro se* and *in forma pauperis*, brings this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants FNU Officer Shields, FNU Officer Broussard-Lewis, Officer D. Prescott, Jefferson County Sheriff Department, and Jefferson County Correctional Facility.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends dismissing this civil action for failure to state a claim and as frivolous (doc. #10).

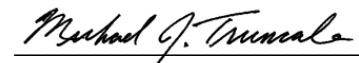
The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. Plaintiff filed objections to the Report and Recommendation of United States Magistrate Judge and an Amended Complaint (doc. #s 14 & 15). Along with Plaintiff's Objections to the Report and Recommendation, Plaintiff also filed an Amended Complaint, adding claims against Defendant Nabors (doc. #s 14 & 15). In light of the Amended Complaint, the Magistrate Judge to whom this case was referred, entered an Order to Replead, asking Plaintiff to expound on his claims against Defendant Nabors (doc. # 17). A copy of that Order was returned on September 7, 2022, as "undeliverable" with the notation that Plaintiff was released and no longer at the facility (doc. # 18). Plaintiff has yet to update this court with his current address. Plaintiff has failed to diligently prosecute this case and

his civil rights action should be dismissed for want of prosecution pursuant to Federal Rule of Civil Procedure 41(b).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is PARTIALLY ADOPTED, to the extent it recommends dismissal. A Final Judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED this 5th day of October, 2022.



Michael J. Truncale
United States District Judge